

## **RULE 16A**

### **CITY OF SANTA FE DRUG AND ALCOHOL TESTING POLICY FOR TRANSIT DIVISION**

#### **SECTION 1. PURPOSE AND APPLICABILITY.**

The purpose of this policy is to establish the City of Santa Fe's program and procedures for implementing the requirements of the Omnibus Transportation Employee Testing Act of 1991 and Federal Transit Administration Regulations, 49 CFR Parts 655 and Part 40 with regards to certain Transit Division employees performing "safety sensitive functions," as that term is defined in the federal law and in this policy. This policy is intended to achieve a drug and alcohol-free workplace and to reduce the probability of accidents or incidents related to the use and/or abuse of alcohol and other drugs by employee, to establish procedures for drug and alcohol testing and to encourage early intervention through supervisory involvement.

Rule 16A, as set forth herein, applies only to Transit employees who perform safety sensitive functions. A list of all covered positions/classifications is set forth in Section 3 of this Policy. Rule 16 of the City of Santa Fe Personnel Rules and Regulations, entitled "Drug and Alcohol Testing Rule for Federally Mandated Employees," shall not apply to Transit employees: Rule 16A supersedes Rule 16 with respect to Transit employees only. All other federally mandated employees, as that term is described in Rule 16, are subject to the provisions of Rule 16.

This policy outlines four principles as a means to achieve the goal of providing workplace free from the effects of drug and alcohol use and abuse for its employees: deterrence, treatment and rehabilitation, detection and enforcement. Deterrence will be emphasized through education and training. Information regarding the effects of substance abuse in the workplace will be made available to all safety sensitive classified employees, and supervisors and managers will receive special training in detection, early intervention and enforcement. The City's Employee Assistance Program provides assistance to employees with personal problems, including those associated with the misuse of drugs and alcohol. The City supports rehabilitation before an employee's job is in jeopardy. Employees are encouraged to seek help for drug and alcohol problems.

The City employs the following drug and/or alcohol testing for the purpose of detection: pre-employment, reasonable suspicion, post accident, return to duty, follow up and random.

## SECTION 2. POLICY STATEMENT.

- A. The City of Santa Fe is committed to maintaining a drug-free workplace to promote both the quality of its services and the safety of its employees, its customers and the public. Every City of Santa Fe Transit Division or employee of a Transit contractor who holds a position which would be defined as safety-sensitive (covered employee) is subject to regulations issued pursuant to the Omnibus Transportation Employee Testing Act of 1991 (the Act). Each covered employee under the City of Santa Fe's authority is:
1. prohibited from using, possessing, selling, purchasing manufacturing, distributing, or transferring alcoholic beverages (except off-duty use at public events) or controlled substances or other performance-impairing substance while on duty or on City of Santa Fe property; and
  2. prohibited from being present on City of Santa Fe property (except off duty alcohol use at public events); reporting to work or performing work while that employee is under the influence of alcohol or has any controlled substance or other performance-impairing substance in his/her system; and
  3. required to submit to an alcohol and/or drug test when directed by the City of Santa Fe; and, prohibited from tampering or attempting to tamper with such alcohol and/or drug test.

Under FTA authority, employee's are prohibited from the consumption of alcohol within four (4) hours of the employee's scheduled time to report for work, or within eight (8) hours following an accident or until the employee takes a post-accident alcohol and or drug test, whichever occurs first; and

- B. Each covered employee, under the City of Santa Fe's own authority:
1. shall be responsible for informing his/her supervisor when being prescribed medication that is covered under the terms of this policy and shall use medically authorized drugs or over the counter medications in a manner which will not impair on-the-job performance; and
  2. shall promptly report to his/her supervisor whenever he/she observes or has knowledge of another employee who poses a hazard to the safety and welfare of others.

C. In accordance with the Omnibus Transportation Employee Testing Act of 1991  
And the regulations issued pursuant to this Act:

1. It is the City of Santa Fe's policy that every covered employee comply with the City's Drug and Alcohol Testing Policy for Transit Division which details the City's program.'
2. Compliance with the Policy is a condition of employment with the City of Santa Fe for all covered employees.
3. Under the City of Santa Fe's own authority, violations will result in discipline in accordance with Section 13 of this Policy.

D. Prescription drugs may be used in amounts as lawfully prescribed. As necessary, Employees shall be required to provide proof of lawful prescription. Employees shall advise their supervisors if the prescription drugs may affect their ability to perform work duties safely and efficiently.

### SECTION 3. COVERED EMPLOYEES.

As required by the regulations issued pursuant to the Omnibus Employee Testing Act of 1991, the City of Santa Fe shall conduct drug and alcohol testing for all covered employees. Covered employees are those employees who occupy positions that perform a "safety-sensitive" function and applicants for a safety-sensitive position. "Safety sensitive" functions are defined as:

1. operating revenue service vehicles, including operation when the vehicle is not in revenue service;
2. operating non-revenue service vehicles when operation of such vehicles requires the driver to hold a Commercial Driver's License (CDL);
3. controlling the dispatch or movement of a revenue service vehicle;
4. maintaining a revenue service vehicle or equipment used in revenue service;  
or
5. carrying a firearm for transit security purposes.

A list of all covered positions/classifications is attached as Exhibit 1 to this Policy. In addition, all employees of independent contractors who perform services for the City

of Santa Fe's Transit Division in positions which are safety-sensitive, as outlined above, will also be subject to the testing requirements outlined in this Policy.

#### SECTION 4. EDUCATION.

Every covered City of Santa Fe employee will receive a copy of this Policy. Transit Division employees will receive a minimum of sixty (60) minutes of training regarding this Policy and the effects of prohibited drug use and alcohol misuse that impacts and individual's biological, emotional, psychosocial well being. The effects of misuses can be seen in an individual's work performance, attitude and social interaction. Training shall be provided to each covered employee within 60 days of adoption of this Policy for current employees, and within 60 days of a new employee's date of hire.

All City of Santa Fe Transit supervisory personnel who are designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol and/or drug testing will also receive a minimum of one hundred and twenty (120) minutes of training on the physical, behavioral, speech, and performance indicators of probable prohibited drug use and alcohol misuses.

#### SECTION 5. SUBSTANCES TESTED

##### A. Alcohol

Employees subject to alcohol testing will have a sample of their breath tested for the presence of the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol. U.S. Department of Transportation breath alcohol testing forms shall be used. A breath alcohol level of 0.04 or greater constitutes a positive test result. In addition, under its own authority the City considers a second breath alcohol test level between 0.02 and 0.039 within a 12-month period to constitute a positive test result. A confirmation test will be given if an employee's initial breath alcohol test level exceeds 0.04.

In accordance with the regulations, covered employees shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.

Any refusal to submit to an alcohol test, and all positive alcohol tests, will be reported immediately by the testing facility to the City of Santa Fe (DER) Designated Employer Representative as required by law.

## B. Drugs

Employee subject to drug testing will have a sample of their urine tested for the presence of five (5) drugs, as follows:

1. Marijuana
2. Cocaine
3. Opiates
4. Amphetamines
5. Phencyclidine

Under its own authority, the City does not retest negative dilute specimens. The original test will stand as the result of record. Any refusal to submit to a required drug and/or alcohol test or failure to provide a sufficient specimen and/or breath with no medical explanation is considered a refusal and will be immediately reported by the collection site to the City of Santa Fe Designated Employer Representative. Additionally, failure to undergo a medical evaluation related to testing as required by the MRO or DER for drug and alcohol testing shall also constitute a refusal.

Failure to permit monitoring or observation under drug testing, failure to take a second test as directed by the collector or employer under drug testing and an attempt to alter, taint or otherwise provide a false sample as verified by the MRO also constitutes a refusal.

Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process), or failure to sign the certification at Step 2 of the Alcohol Testing Form (ATF) is considered a refusal.

All drug tests will be reported by the testing laboratory to a medical review officer (MRO) who will evaluate the results. U.S. Department of Transportation drug testing forms shall be used. After evaluation and interpretation, all verified positive test results will be reported by the MRO to the employee and to the City of Santa Fe Designated Employer Representative.

With respect to verified positive drug tests, employee will be notified by the MRO that they have seventy-two (72) hours following this notification in which they can request, at their own expense, that split urine specimen be tested by another Department of Health and Human Services (DHHS) certified testing laboratory. However, in the event that the split sample test is negative, the employee will be reimbursed for the test.

Failure to request testing of the split specimen within seventy-two (72) hours of being notified of a positive test by the MRO will result in the test results from the original specimen being accepted as the final test results.

## SECTION 6. TYPES OF TESTING

The following tests will be required of all covered employees in accordance with the City of Santa Fe alcohol and drug testing procedures:

1. Pre-employment tests
2. Post-accident tests
3. Random tests
4. Reasonable suspicion tests
5. Return to duty/Follow-up tests

The City of Santa Fe alcohol and drug testing procedures will be conducted in accordance with 49CFR Part 40 and will incorporate all requirements set forth in the federal regulations to ensure employee confidentiality and the integrity of the testing process, to safeguard the validity of the test results, and to see that test results are attributed to the correct covered employee.

## SECTION 7. PRE-EMPLOYMENT TESTING.

A. The following persons will be subject to pre-employment drug testing in accordance with the City of Santa Fe alcohol and drug testing procedures:

1. Applicants selected for one of the covered positions listed in Section 3.
2. Any covered employee who has not performed safety-sensitive duties and has not been in the random pool for 90 days or more must provide a verified negative result before returning to safety-sensitive duties.
3. Current City employees selected for assignment into one of the covered positions listed in Section 3, if not currently employed in one of these positions.

B. Individuals identified in Section 7.A. will be informed that they are subject to pre-employment drug testing at the time they apply for a covered position. Once a job offer is made, covered employees shall have a urine sample collected and tested for evidence of the substances listed in Section 5.B. For individuals identified in Section 7.A.1, tests may be conducted as part of a routine pre-employment physical examination. The time, date and location of the physical examination and drug test will be announced in advance of the test. Individuals identified in Section 7. A.2 who do not require a routine pre-employment physical examination will be notified, in advance, of the time, date and location of the drug test only.

Individuals identified in Section 7.A.2 who do not require a routine pre-employment physical examination will be notified, in advance, of the time, date and location of the drug test only.

An applicant must produce a negative drug test result prior to first performing a safety sensitive duty; if the test is canceled, the employee must retake and pass the test before being hired; and an employee being transferred must provide a verified negative urinalysis prior to performing a safety-sensitive function.

C. Disqualification from City of Santa Fe Employment

1. Applicants for initial hire will be disqualified from City of Santa Fe employment if they:
  - a. fail to appear for the physical examination and urine collection on the designated day unless excused by the City for good and verifiable cause; or
  - b. refuse to provide a urine sample; or
  - c. attempt to alter, taint or otherwise provide a false sample; or
  - d. test positive for the presence of one of the substances listed in Section 5.B; or
  - e. refuse to consent under Federal Transit Administration (FTA) regulations to allow the City of Santa Fe to obtain the drivers' previous employer's information on positive controlled substances and/or alcohol test results and refusal to be tested within the previous two (2) years; or
  - f. have tested positive or have refused to be tested when required by a previous employer within the last (2) years and have not successfully completed required recommendations of a substance abuse professional.
2. Current employees subject to pre-employment drug testing will be disqualified from the position they are seeking if they commit one of the acts listed in 1(a) 1(f) of Section 7.C above. Current employee subject to pre-employment drug testing will also be subject to discipline in accordance with Section 13 if they commit one of the acts listed in 1(c) or 1(d) of Section 7.C above.
3. Persons who are disqualified from the position that required the pre-employment test shall be disqualified from applying for any covered City of Santa Fe position for a period of (2) years. Applications from such persons will hereafter only be accepted if accompanied by a current written statement from licensed substance abuse professional verifying that the applicant is not then an abuser of alcohol and/or active user of drugs.

## SECTION 8. POST-ACCIDENT TESTING.

All employees in covered positions as identified in Section 3 of this Policy will be subject to post-accident alcohol and drug testing in accordance with this the City's alcohol and drug testing procedures.

A. An "accident" requiring an alcohol and drug test is any accident where:

1. a fatality has occurred; or
2. non-fatality, a City of Santa Fe safety officer, supervisor or other qualified person shall be responsible for making a determination whether a post-accident drug and alcohol test is required at the time any covered employee is involved in a non-fatal accident involving a bus, automobile, van or commercial motor vehicle that requires the driver to carry a commercial driver's license (CDL);

all covered employees operating the mass transit vehicle must be tested unless their performance can be completely discounted as a contributing factor based on the best information available at the time of the decision in which:

- a. injuries were sustained requiring the injured person to immediately receive medical attention away from the scene, or any vehicle involved in the accident is disabled and towed away; or
- b. one or more vehicles receives disabling damage; or
- c. an individual falls on a vehicle and requires immediate transport to a medical treatment facility

B. The City of Santa Fe will also test any covered employee whose performance could have contributed to the accident.

C. Employees required to submit to post-accident drug and alcohol testing shall be tested as soon as possible (in all cases drug tests shall be conducted within thirty two

(32) hours following the accident and alcohol tests shall be conducted within eight (8) hours of the accident). In the event an alcohol test is not completed within two hours of the accident, the supervisor will document in a report, the reason and if not able to obtain a specimen in 8 hours, the attempt will be ceased and the two hour report will be updated. Records shall be submitted to FTA upon request of the Administrator.



- D. An employee required to submit to a post-accident drug and alcohol test will be transported by the City to the collection site and will be required to sign a consent form. The employee must provide a urine and breath sample unless it is determined by medical personnel present that the employee is medically unable to provide the required samples. Following the test, the employee will be relieved of duty with pay pending the City's receipt of the results of the tests from the MRO.
- E. It is the City of Santa Fe's policy that employees who are required to submit to a post-accident drug and alcohol test will be subject to discipline in accordance with Section 13 of this Policy if they:
1. refuse to sign a consent form or refuse to provide a breath and/or urine sample (such refusal shall constitute a verified positive drug and/or alcohol test result); or
  2. attempt to alter, taint, or otherwise provide a false sample; or
  3. test positive for the presence of one or more of the substances listed in Section 5 in this Policy.
- F. Covered employees must be readily available for post-accident testing. If an employee fails to remain readily available, e.g., notifying supervisor where employee can be located if employee leaves scene of the accident prior to submitting to testing, the employee will be deemed to have refused to submit to testing which shall constitute a verified positive drug and/or alcohol test result. The requirement to immediately report for post-accident testing is stayed while an employee assists in resolution of an accident or receives medical attention following an accident. In such cases, the employee shall report for post-accident testing immediately after the employee completes provision of necessary post-accident assistance or after necessary medical attention is provided.

## SECTION 9. RANDOM TESTING

- A. The City of Santa Fe will maintain a listing of the names of all employees in the covered positions listed in Section 3. During each calendar year, alcohol and/or drug tests will be administered to these employees on a random-selection basis in accordance with federal alcohol and drug testing regulations and with the City of Santa Fe's alcohol and drug testing program. Federal Transit Administration regulations require random drug and alcohol testing for all Transit employees performing safety sensitive functions. At least 50% of the total number of covered employees shall be randomly tested for drugs, and at least 10% of the total number of covered employees shall be randomly tested for alcohol.
- B. All covered employees will be subject to unannounced drug and alcohol testing on a random basis and a covered employee may be randomly tested for prohibited drug

use anytime while on duty. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year. Employees will be selected through the use of a scientifically valid random number selection method. All covered employees will remain in the random pool, even after being selected for testing. Thus, it is possible for an employee to be selected for testing more than once within a given time period.

- C. Employees subject to random drug and alcohol testing will be required to sign a consent form at the time of testing/collection.
- D. Employees selected for random alcohol and/or drug tests will be provided with transportation and will immediately report to the collection site where they will be required to provide a breath and/or urine sample.
- E. It is the City of Santa Fe's policy that employees will be subject to discipline in accordance with Section 13, of this Policy if they:
  - 1. do not appear and complete a random drug and/or alcohol test immediately following notification to appear for such tests, refuse to sign a consent form or refuse to provide a breath and/or urine sample (such failure to appear or refusal shall constitute a verified positive drug and/or alcohol test result); or
  - 2. attempt to alter, taint or otherwise provide a false sample; or
  - 3. test positive for the presence of one or more of the substances listed in Section 5 of this Policy.

#### SECTION 10. REASONABLE SUSPICION TESTING.

- A. All employees in the covered positions listed in Section 3 of this Policy may be required to submit to a reasonable suspicion alcohol and/or drug test.
- B. Employees who are reasonably suspected by a supervisor of violating this Policy will be required to submit to an alcohol and/or drug test in accordance with the City of Santa Fe's alcohol and drug testing procedures. A trained supervisor who makes a determination that a test is required will complete a form indicating the grounds for such determination. Reasonable suspicion testing is required when a trained supervisor can articulate and substantiate physical, behavioral and performance indicators of probable drug use or alcohol misuses by observing the appearance, behavior, speech or body odors of the covered employee.

Testing may be requested only if the observation of reasonable suspicion has been observed while the covered employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.

- C. An employee who is required to submit to an alcohol and/or drug test under this section must sign a consent form.
- D. Employees will be transported by the City of Santa Fe to the collection site and will be required to provide a breath and/or urine sample. Following completion of the test, employees will be transported home and relieved of duty with pay pending the City's receipt of the results of the test from the MRO.
- E. It is the City of Santa Fe's policy that employees will be subject to discipline in accordance with Section 13 of this Policy if they:
  - 1. refuse to sign a consent form or refuse to provide a urine and/or breath sample (which refusal shall constitute a verified positive drug and/or alcohol test result); or
  - 2. attempt to alter, taint, or otherwise provide a false sample; or
  - 3. test positive for the presence of one or more of the substances listed in Section 5 of this Policy.

#### SECTION 11. RETURN TO WORK TESTING

Employees who have been disciplined in accordance with Section 13 of this Policy as a result of their first positive test indicating the presence on one or more of the substances listed in Section 5 will be required, prior to returning to work, to take a return to duty alcohol and/or drug test with a verified negative result in accordance with 49 CFR Part 40 and the City of Santa Fe's alcohol and drug testing procedures.

Employees who have been separated from duty for a period of (90) days or more, due to reclassification, layoff, leave of absence, seasonal employment or workers compensation must be tested prior to reassignment to a safety-sensitive job function.

#### SECTION 12. FOLLOW-UP TESTING.

Current employees who have been disciplined in accordance with Section 13 of this Policy as a result of a positive alcohol and/or drug test required under Section 6, upon return to work shall be subject to a minimum of six (6) unannounced drug and/or alcohol follow up tests during the first twelve (12) months following the employee's return to work, and further testing as recommended by the substance abuse professional for up to a maximum of sixty (60) months. In addition, employees who have been disciplined in accordance with Section 13 of this Policy will also be subject to the testing requirements of Section 6 and in accordance with 49 CFR Part 40.

## SECTION 13. CONSEQUENCES OF THE MISUSE OF DRUGS AND ALCOHOL.

Any employee testing positive for any of the drugs specified in Section 5B of this Policy, or who has a breath alcohol concentration of 0.04 or greater for the FTA-mandated alcohol screening test, or who has a second breath alcohol test level between 0.02 and 0.39 within a 12-month period, will be immediately removed from his/her safety-sensitive position and placed on leave with pay status pending disciplinary action. Regardless of the outcome of a drug screen and the possible consequences, the employee will be provided with information from the City's employee assistance program (EAP) regarding alcohol and/or substance abuse and the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs. The City will have no responsibility to pay for any necessary treatment on the part of the employee.

An employee who for the first time in a 12-month period is found to have an alcohol concentration of 0.02 or greater by less than 0.04 shall not be permitted to perform safety-sensitive functions until the employee's alcohol concentration measures less than 0.02, or the start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

### A. Consequences of a Positive Drug or Alcohol Test

1. Any job applicant who tests positive for drugs will not be hired. Any employee who tests positive for drugs or alcohol for a post-accident test or who has a second confirmed positive drug or alcohol test will be terminated from employment with the City.

### 2. Conditional Retention

It is the City of Santa Fe's policy that current employees, who have a verified positive drug or alcohol test and are not subject to termination under Section 13A.1 or 13B of this Policy, will be offered conditional retention of employment if the employee:

- a) submits to an evaluation by a substance abuse professional approved by the City's EAP; and
- b) signs a conditional retention of employment agreement; and
- c) is determined by a substance abuse professional to require assistance in resolving problems associated with drug abuse and/or alcohol misuse (the employee must agree to attend a City of Santa Fe approved treatment program and sign a monitoring agreement with the City's EAP to ensure successful completion of the treatment program specified by the substance abuse professional); and

- d) upon return to work, is subject to a return to duty drug and/or alcohol test (follow-up tests are required if recommended by the substance abuse professional).
  - e) The employee who is conditionally retained must fully comply with the conditions of retention of employment, including successful completion of the treatment program specified by the substance abuse professional.
3. Discipline for a Positive Drug or Alcohol Test

Current employees who have a confirmed positive drug or alcohol test will immediately be removed from duty and disciplined as follows:

a) Consequences for a Positive Drug or Alcohol Test:

- (1) Employees with their first confirmed positive drug or alcohol test shall be suspended for two (2) weeks without pay.

B. Termination

It is the City of Santa Fe's policy that current employees will be terminated if the employee:

- 1. uses, possesses, sells, purchases, manufactures, distributes, or transfers alcohol beverages (except off-duty use at public events), or controlled substances or other performance-impairing substances while on duty or on City property; or,
- 2. consumes alcohol within four (4) hours of the employee's scheduled time to report for work, or within eight (8) hours following an accident or until the employee takes a post-accident alcohol and/or drug test, whichever occurs first; or,
- 3. refuses to submit to an alcohol and/or drug test when so directed by the City of Santa Fe, or tampers or attempts to tamper with an alcohol and/or drug test; or,
- 4. tests positive and was involved in an accident resulting in death, serious injury or extensive property damage (post-accident drug and/or alcohol test) or
- 5. tests positive and is also being terminated for other misconduct which could independently result in their discharge; or
- 6. tests positive and has not completed the initial probationary period following hire into the employee's first position with the City of Santa Fe; or

7. does not appear and complete a random or follow-up drug and/or alcohol test within two (2) hours following notification to appear for such tests, refuses to sign a consent form or refuses to provide a breath and/or urine sample; or
8. has a second confirmed positive drug or alcohol test.

#### SECTION 14. CONFIDENTIALITY.

All testing will be conducted in accordance with the federal regulations to ensure test results are accurate and reliable. Further, the City of Santa Fe will carry out this policy in a manner that respects the dignity and confidentiality of those involved. No laboratory reports or test results shall appear in the employee's employment history unless they are a part of a disciplinary action taken. Laboratory reports and test results shall be placed in a special locked file maintained by the Drug Abuse Coordinator. Files relating to laboratory reports or test results maintained by the Drug Abuse Coordinator must be kept confidential and shall be disclosed only by consent of the patient. Upon request, an employee is entitled to obtain copies of any records pertaining to the employee's use of prohibited drugs, including any records pertaining to the employee's drug tests.

#### SECTION 15. EMPLOYEE ASSISTANCE PROGRAMS/SELF-REFERRAL

The City of Santa Fe takes seriously its commitment to provide safe conditions to the public and its employees. Recognizing this commitment, the City maintains employee assistance programs that can provide access to professional services in an effort to aid any employee who has an alcohol or chemical dependency problem. Participation in this program is voluntary and all records regarding self-referral or acknowledgement will be kept confidential to the extent required by law.

All employees who suspect they may have alcohol or substance abuse problems are strongly encouraged to utilize employee assistance program resources before the problem affects their employment status. There will be no disciplinary action involved for self-referral to the EAP. Voluntary self-referral, however, shall not relieve the employee from responsibility for adequate job performance. Self-referral after notification of a required drug or alcohol test will not eliminate requirement to take such a test and will not preclude the taking of disciplinary action against an individual who fails a required drug or alcohol test.

Any costs for counseling or rehabilitation shall be the responsibility of the employee. Because the City realizes that financial considerations might prevent some employees from seeking help, however, it is the City's policy to allow employees (upon recommendations of their counselor) to use any and all earned benefits. This includes medical insurance, annual and sick leave, short-term disability (physician must certify disability), and leave of absence, if needed.

Questions about the City of Santa Fe's employee assistance programs should be addressed to the City's Designated Employer Representative, who serves as the drug and alcohol program administrator.

#### SECTION 16. MODIFICATIONS.

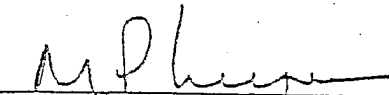
The program administrator shall propose for adoption by the City Council such modifications, amendments and revisions to the City's drug and alcohol program as he deems necessary after a review process and concurrence by the affected department to carry out the provisions of regulations issued pursuant to the Omnibus Transportation Employee Testing Act of 1991 and to enact such additional procedures as may be necessary to insure the City of Santa Fe's compliance with state and federal law affecting drug and alcohol matters. Nothing herein is intended to waive a union's legal right to mandatory subjects of bargaining.

#### SECTION 17. DOCUMENTATION INCORPORATED BY REFERENCE INTO POLICY.


The following documentation is incorporated by reference into this policy:

- Exhibit 1. Safety Sensitive Positions
- Exhibit 2. City of Santa Fe DAPM/SAP/MRO Identification
- Exhibit 3. 49 CFR Part 40
- Exhibit 4. 49 CFR Part 655

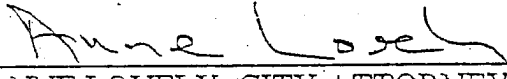
APPROVED this 23 day of January 2005

  
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MIKE P. LUJAN, CITY MANAGER

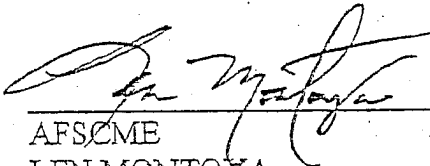
ATTEST:

  
TINA DOMINGUEZ, CITY CLERK

APPROVED AS TO FORM:

  
ANNE LOVELY, CITY ATTORNEY

APPROVED:

  
AFSCME  
LEN MONTOYA



**EXHIBIT 1**  
**RULE 16A TRANSIT DIVISION**  
**SAFETY SENSITIVE POSITIONS**

1. TRANSIT DIVISION DIRECTOR
2. ASSISTANT TRANSIT DIRECTOR
3. TRANSIT OPERATIONS MANAGER
4. TRANSIT OPERATIONS LINE SUPERVISOR
5. DISPATCHER
6. TRANSIT OPERATOR
7. FLEET SECTION MANAGER
8. MECHANIC SUPERVISOR
9. HEAVY EQUIPMENT MECHANIC
10. EQUIPMENT SERVICE WORKER
11. TRANSIT SPECIALIST

SANTA FE RIDE (SANTA FE TRAILS)

1. CALL CENTER SUPERVISOR
2. PARATRANSIT OPERATORS

**EXHIBIT 2**  
**RULE 16A**  
**DRUG AND ALCOHOL TESTING PROGRAM**

Providers to Substance Abuse Program Manager and/or Designated Employer Representative (DER), Collection Site Laboratory, Medical Review Officer (MRO), Employee Assistance Program and Substance Abuse Professional *employee information*.

**SUBSTANCE ABUSE PROGRAM MANAGER**

City of Santa Fe  
2651 Siringo Rd. Bldg. J.,  
Santa Fe N.M. 87504  
Contact: Debbie Rouse  
Office (505) 955-5625  
Home (505) 685-4553  
Cell# (505) 660-8026  
Fax: (505) 955-5628

**COLLECTION SITE**

CONCENTRA MEDICAL CENTER  
720 St. Michaels Drive, Ste. C  
Santa Fe, NM 87505  
Phone: (505) 438-9402  
Fax: (505) 471-9240

**MEDICAL REVIEW OFFICER (MRO)**

Choice Point Nat'l Rev. Offices  
Dr. Stuart B. Hoffman, M.D.  
5900 Wilshire Blvd 22<sup>nd</sup> Floor  
Los Angeles CA 90036  
Phone: 800-939-4782

LABATORY-ADVANCED TOXICOLOGY NETWORK (ATN)  
Tennessee  
Phone: 888-222-4894 or 888-290-1150

**EMPLOYEE ASSISTANCE PROGRAM (EAP) AND SUBSTANCE ABUSE PROFESSIONAL**

The Solutions Group  
1240 Pennsylvania NE, Suite C  
Albuquerque, NM 87110  
Contact: Adam Stern  
Phone: (505) 254-3555  
Fax: (505) 254-3535